ESSENTIAL FISH HABITAT

Effects of Fishing Activities on EFH

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Background

The 1996 revisions to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) emphasize the need to protect fish habitat in order to sustain healthy fisheries. To this end, the Act requires NOAA Fisheries and the fishery management councils to minimize, to the extent practicable, adverse effects to essential fish habitat (EFH) caused by fishing activities. The Magnuson-Stevens Act also requires NOAA Fisheries and the fishery management councils to identify other actions to encourage the conservation and enhancement of EFH.

Do the EFH provisions single out fisheries?

Some people have wondered why the EFH provisions seem to single out fishing practices as the primary culprit for damage to EFH. Congress recognized that certain fishing practices do have adverse effects on important fish habitats. Under the Magnuson-Stevens Act, the management of fisheries in federal waters is the one area where the fishery management councils and NOAA Fisheries have direct regulatory authority over actions that may adversely affect the quality and quantity of EFH. However, NOAA Fisheries is also required to identify activities other than fishing that may adversely affect EFH and to recommend to other federal agencies measures to avoid, minimize, or compensate for adverse effects to EFH.

What is an adverse effect?

Adverse effect means any impact that reduces the quality and/or quantity of EFH. Adverse effects may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components. The adverse effects of fishing practices to EFH may result from actions occurring within or outside of EFH, and may include site-specific or habitat-wide impacts. Fishery management councils must act to prevent, mitigate, or minimize any adverse effects from fishing, to the extent practicable, if there is evidence that a fishing activity affects EFH in a manner that is more than minimal and not temporary in nature.

What is known about fishing effects to habitat?

NOAA Fisheries has dedicated significant effort to studying the effects of various fishing gears as they relate to decreases in productivity, survival, or recruitment of managed fish species. Certain fishing practices may harm sensitive habitats. Examples of adverse effects from fishing practices can include alteration of the physical terrain from bottom-tending gear, chemical modifications to the sediment and over-lying water column, and biological changes to the benthic community, such as removal of prey species. NOAA Fisheries is engaged in numerous research projects to improve understanding of the effects of fishing on EFH, including impacts from mobile gears, such as trawls and dredges, and from certain types of fixed gears, such as fish traps.

What has NOAA Fisheries done to minimize adverse effects?

All 41 existing Fishery Management Plans have measures, such as area closures, gear restrictions, and harvest limits, that control fishing effort and thus provide benefits to EFH. Ongoing efforts include designating habitat areas of particular concern (HAPCs), including habitat protection objectives in the development of new Fishery Management Plan amendments, and implementing alternatives for minimizing the adverse effects of fishing gear. For example, NOAA Fisheries, working in conjunction with the National Marine Sanctuaries program, has established a 180-square nautical mile marine reserve in the Dry Tortugas. Fishing and the anchoring of fishing vessels has been prohibited in the reserve, which includes Riley's Hump, the sole spawning ground for Mutton snapper. In New England, the use of "street sweeper" gear has been banned since 1999. New England trawl fishermen had begun to attach the stiff-bristled brush cylinders from street sweepers to their trawls, allowing them to catch fish more efficiently, but potentially damaging bottom habitats in the process. NOAA Fisheries is continuing to work with the fishery management councils to develop additional measures to conserve EFH as more research data on fishing gear impacts become available.

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